March 1, 2006

Chair Philip Isenberg and
Members of the MLPA Blue Ribbon Task Force
c/o California Resources Agency
1416 9th Street #1311
Sacramento, CA 95814

RE: Comments on Draft Monitoring, Evaluation and Adaptive Management Framework

Dear Chair Isenberg and Members of the MLPA Blue Ribbon Task Force:

Please accept the following comments on the Draft Monitoring, Evaluation and Adaptive Management Framework (ME&AMF) for the Marine Life Protection Act Initiative on behalf of The Natural Resources Defense Council, The Ocean Conservancy, and The Otter Project. We appreciate the opportunity to comment on this document.

In general, we believe the Draft ME&AMF would benefit from significant revisions designed to streamline the document with a focus on improved utility. We suggest either editing much of the lengthy literature discussion of adaptive management found throughout the document or perhaps moving such text to the appendix. We believe the document will be most useful if it is clear, specific, practical and concise, and includes a section on next steps.

Detailed Comments

1B. Purpose. The primary purpose of a monitoring and evaluation plan is to determine whether and to what extent the goals of the MLPA and the objectives of the network and of each MPA are being met. That purpose should be paramount in the ME&AMF: it should guide decisions about what hypotheses are tested and drive decisions about monitoring priorities and monitoring design. The Purpose Section devotes part of its first paragraph to that purpose, then embarks on a lengthy discussion of adaptive management that is often more theoretical than practical and continues through much of the document.

If a purpose of the ME&AMF is to clearly articulate how certain tools will be used to achieve MLPA goals, then logically each of the tools (monitoring, evaluation, etc) merits attention in the statement of purpose and in the ME&AMF. The prominence and length of the adaptive management discussion inadvertently suggests that AM is a goal of the ME&AMF, rather than a means toward the end of meeting the MLPA goals.

A by-product of the heavy emphasis on adaptive management is an implicit suggestion that the MPA program will be continually changing. True as that may be, it is important not to lose sight of the fact that MPAs are intended to provide lasting protection. Fishery

management regulations are designed to change annually or every couple of years. For MPAs, the basic presumption is that they are long-term. Fine tuning may be needed based on monitoring data, and bigger changes will be appropriate periodically if goals and objectives are not being met. The expectation, however, should be that MPAs are long-term measures, with significant adjustments (e.g. border changes) not likely to occur on an annual basis.

The purpose section devotes just a brief paragraph out of 66 pages to what should be an important part of a framework: principles on which the program is based. There is no discussion of how the principles will be applied, and they don't always appear to be followed in the ME&AMF itself (e.g. the appropriate principle of including input from stakeholders and scientists translates into inappropriately giving those groups primary responsibility for identifying scientific questions and for completing systematic performance reviews for the MPA network, see pp. 29 and 29). Many questions about approach are raised throughout the document: could the principles be applied to resolve some of those questions now?

Suggested changes

- *The imbalance in the attention paid to various tools could be addressed in part by substantially editing the discussion of adaptive management (particularly the parts on pp 8-14) or moving major parts of it to an appendix.*
- *We also believe that at least some of the theoretical questions raised in the document, such as questions of scale and timing, could be more readily answered if the discussion were anchored to the MLPA goals (and to principles) rather than to the tool of adaptive management.*
- *Finally, to the extent that the ME&AMF does not resolve contrasting approaches, it would be helpful to strengthen the principles section of the document (p.5). At a minimum, principles like transparency should be added. We also recommend applying these principles as a guide to revising the draft ME&AMF. All of these steps would also make the document more concise and useful.*

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1C. Adaptive Management in the MLPA. We recommend replacing the text on pages 8-14 with a more straightforward discussion providing a specific example of how monitoring, evaluation and adaptation will be applied to the MLPA, following an outline such as this:.

- Goals and objectives
- Indicators
- Time frame over which results can be expected
- Monitoring
- Data and Results
- Analysis
- Recommendations for change in management

To be more specific: A goal is to restore a depleted fish population. An indicator is the abundance of fish species. Monitoring is for the number of fish inside and outside an

MPA or before and after and MPA went into effect. The result, over a period of years is no increase in the population. Analysis shows, for example, that the area in the MPA is small relative to the adult range of the fish, and adult fish are being removed at a high rate by fishing on the MPA borders. Recommended management measure might be to increase the size of the MPA, or add a buffer area around it.

A number of questions about approach are raised in this section but not resolved (e.g. paragraph 3 on p. 9 discussion about varied views of likely recovery rates, and paragraph. 3 p.10 predictive hypothesis testing vs. compiling lessons after-the-fact). It would be useful if the ME&AMF attempted to chart a direction for this framework relative to these issues.

Suggested changes.

- *We urge revision of the ME&AMF with an eye towards ensuring that expectations for monitoring are realistic, meaningful and achievable. More attention should be paid to considerations such as how to avoid monitoring questions that are subject to significant confounding effects that will interfere with the practical usefulness of the data.*
- *We urge that the process of developing a monitoring program explicitly identify potential confounding effects prior to selection of monitoring protocols and that the program not rely as part of the monitoring protocol on areas where confounding effects are prevalent.*
- *In developing a monitoring program, make sure not to lose sight of the scale of individual places*.

2D. Monitoring and Evaluation and Research

For the monitoring program, we suggest identifying the key parameters to monitor (basics), then conducting a survey to see who may already be doing that job and who would be interested in doing it (PISCO, academic institutions, CRANE, etc), then identifying gaps to be filled and potential participants in a coordinated monitoring and evaluation program. The emphasis should be on framing a practical, not ideal approach, per the principles on p. 5.

The monitoring plan should recognize that different time scales are appropriate for different parameters; some parameters can be monitored less frequently than annually based on the time scale on which significant changes are likely to occur. The discussion on page 9 presents ideas about different time scales as competing theories, without suggesting any way to resolve such differences. Such differences may reflect alternative definitions of recovery, or simply a focus on different types of species and processes. Short-lived, productive species are likely to change far more quickly than populations of long-lived rockfish.

The role of data analysis is extremely important in this process. It's what makes sense of mountains of data, for the public and for managers. Without it, it's impossible to communicate results to the public and ensure that communication is a two-way street. We

may have simply missed it in this long document, but if not, we hope the next version contains a brief discussion of that subject.

Suggested changes

- *We suggest that the ME&AMF provide actual guidance on issues of time scale (e.g.: the frequency of monitoring various parameters should, to the extent possible, be based on a combination of the time scale on which that parameter is likely to undergo significant change and practicality), indicators, etc..*
- *A monitoring plan should include identification of objectives that can be assessed at one point in time, such as habitat presence and do not require ongoing monitoring.*
- *Address how network design considerations will guide the monitoring program. A smaller and less effective network should not require extensive monitoring. For MPAs that we expect to be too small to effectively protect certain species, monitoring for those species would not be appropriate.*

Structure for Scientific Advice etc (p. 28 and 29)

The roles of the "Adaptive Management Council" are not based on sound policy principles or on the principles articulated in the purpose section. That Council is to be made up of stakeholders and scientists. We support having such an advisory committee that has input on reports and assessments, but do not support giving it tasks for which a government (or possibly academic) entity should be accountable. For example, identifying science questions should be the job of scientists or agency biologists with input from the Council. Completing a systematic review of performance of an MPA network should be done by an agency or government entity, with input from an advisory council. Including input of stakeholders and scientists is one of the principles articulated on p. 5, but the responsibilities described here go well beyond input.

We also have questions about the recommendation to combine the advisory teams for MLPA with the nearshore advisory council (NAC). If the NAC is being assembled this year, it seems likely that MLPA people and goals will be a later add-on, rather than an integral part of the structure from the start. Given the general tendency of fishery management to subsume protected area issues, this idea raises serious concerns. We also question whether there would be economies or inefficiencies of scale. It would be very difficult not to lose sight of the place-based purposes of the MLPA.

- *We recommend revising the section on responsibilities of the Council (p. 28) to make sure they are consistent with the concept of scientists and stakeholders providing input, not doing the job of government. We also suggest calling that council "the MLPA Council" or some other term that suggests its main goal is to ensure MLPA goals are met, not to make changes per se.*
- *We also urge you to retain a separate advisory structure for MPAs. Combining nearshore fishery and MPA issues is likely to result in too big a workload, and require people with one set of expertise to attend meetings more frequently than otherwise necessary or on subjects not within their expertise. .*

Page 37 – good idea to tie research permits to public access to data and ensure a system that is compatible. Can SIMoN be used for this?

Statewide Oversight

In our view, DFG should mainly be a coordinator of the many scientific and monitoring resources available from academic entities, and non-profit entities and collaborative research projects with fishermen. The Great Barrier Reef Authority provides an excellent example of the coordinator model. We recognize that coordination is still a significant job. But we find it difficult to reconcile a coordinator role with the estimate of a minimum of 15 staff on p. 40. Is this all new staff? Please provide the logic and justification behind that estimate. With so little information in this document on what's considered important to monitor, we find it hard to follow the reasoning that led to the estimate of 15 people.

We urge you to explain the rationale behind the estimate of 15 staffers and reconfigure the job to make it more realistic and make sure the program is taking full advantage of the many partnership opportunities for monitoring, evaluation and communication.

Page 41 – States that collecting data before MPA are established is not likely. This statement seems to ignore the fact that in many places currently under consideration for MPA siting, extensive data already exist (PISCO sites, Hopkins, Lobos, Ken Norris, etc). Guiding principle should be to look to existing data collection and build on it where necessary, versus inventing whole new "ideal" monitoring system whole cloth.

Page 43 – Need reasonable timeframes for monitoring. Surveys annually on seafood availability and on perceptions of MPAs are excessive. There is no reason to monitor all individual MPAs every season or every year – select sites should be done annually and others done periodically. Sites should be selected based in part on availability of partners and data.

Page 50 – Discussion is needed about the insurance role for MPAs, which is extensively documented in the scientific literature. If they are designed to ensure resilience, they may not exhibit extreme change.

Table 4, p. 51-- Objectives of "maintain and and protect" do not necessarily imply increases in abundance. It could be that areas set aside in MPAs are already in good condition in which case one would simply monitoring to ensure that decreases are not occurring. "Maintain" in the objective does not necessarily translate to 'increase." If size and age structure are already natural, the task is to maintain it; if not, it's to increase it.

p.56 – Change of fishing location is not necessarily a bad thing. Program should also be looking for benefits to businesses, by surveying dive boats and SCUBA shops, etc. to assess if positive changes occurring.

We suggest adding summary information on what kind of socio-economic monitoring DFG has done for other programs.

In closing, we appreciate that this draft is a serious effort and contains a great deal of information. We hope that in its next iteration, it is shorter, more decisive and highly practical. Thank you for the opportunity to comment. Please contact Karen Garrison at 415 875 6100 with questions.

Sincerely,

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Natural Resources Defense Council

Kaitilin Gaffney
The Ocean Conservancy

Steve Shimek
The Otter Project